UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIGUEL RAMIREZ,

                              Movant,

               -against-

UNITED STATES OF AMERICA,

                              Respondent.

1:22-cv-6981-GHW

1:17-cr-290-3-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

　　　Miguel Ramirez has moved for appointment of counsel. *See* Dkt. No. 1. There is no constitutional right to counsel in *habeas corpus* proceedings. The Criminal Justice Act ("CJA") provides:

> Whenever the United States magistrate judge or the court determines that the interests of justice so require, representation may be provided for any financially eligible person who . . . is seeking relief under section 2241, 2254, or 2255 of title 28.

18 U.S.C. § 3006A(a)(2)(B).

　　　In deciding whether to exercise its discretion to appoint counsel under the CJA, courts in this Circuit consider the same factors as those applicable to requests for *pro bono* counsel made by civil litigants. *See e.g., Zimmerman v. Burge*, 492 F. Supp. 2d 170, 176 n.1 (E.D.N.Y. 2007) (citing *Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989)); *In re Pizzuti*, 10 Civ. 199, 2010 WL 4968244, at *1 (S.D.N.Y. Dec. 7, 2010). Those factors include the likelihood of success on the merits, the complexity of the legal issues and the movant's ability to investigate and present the case. *See Cooper*, 877 F.2d at 172; *Hodge v. Police Officers*, 802 F.2d 58, 61-62 (2d Cir. 1986).

　　　The Court has considered these factors and finds that appointment of counsel is not warranted at this time. Accordingly, the application for counsel is denied without prejudice. Mr. Ramirez may reapply for appointment of counsel at a later date after the Court has had more of the relevant facts and legal issues presented to it for its consideration.

　　　The Clerk of Court is directed to terminate the gavel at Dkt. No. 6.

SO ORDERED.

Dated: October 11, 2022
New York, New York

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GREGORY H. WOODS
United States District Judge